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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,324	08/05/2003	Viktor V. Jarikov	84501ARLO	7849

7590 06/23/2006

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EXAMINER
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GARRETT, DAWN L

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 06/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/634,324

Applicant(s)

JARIKOV, VIKTOR V.

Examiner

Dawn Garrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-109 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-62, 64-66, 70, 72-74, 76 and 77 is/are allowed.
- 6) ☒ Claim(s) 109 is/are rejected.
- 7) ☒ Claim(s) 63, 67-69, 71, 75 and 78-108 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office action is responsive to the amendment filed April 11, 2006. Claim 1 was amended. Claim 110 is canceled. Claims 1-109 are pending. The election of species requirement is now withdrawn. Claims 1-109 are under consideration.
2. The rejections of claims 1, 6, 11, 12, 14, 16-18, 49, 50, 60, 61, and 82 under 35 USC 112, first paragraph, set forth in the last Office action (mailed February 28, 2006, paragraphs 5 and 6) are withdrawn due to applicant's response.
3. The rejection of claims 1, 6, 11, 12, 14, 16-18, 49, 50, 60, 61, and 82 under 35 USC 103(a) as being unpatentable over Aziz et al. (US 6,740,429) in view of Tang et al. (US 5,294,870) is withdrawn due to the amendment and applicant's response.

### ***Specification***

4. The disclosure is objected to because of the following informalities:  
  
It is suggested the status of the U.S. application mentioned in the first paragraph be updated by amendment.

### ***Claim Objections***

5. Claims 63,67-69, 71, 75 and 78-108 are objected to because of the following informalities:
  - a. Claims 63, 67-69, 71, and 78-108 use abbreviations for some of the recited materials. Since it is not entirely clear the abbreviations have only one accepted meaning, it is suggested that the full name be inserted for the abbreviation for better claim clarity.

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- b. In claim 75, second to last line, the numbers at the beginning of the compound name have been omitted.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 109 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 109 refers to “compounds 2 through 1315”. Claim 1 upon which claim 109 depends does not recite compound numbers 2 through 1315 and since the compounds are not specifically listed in claim 109, the structures of these compounds are unknown. Claim 109 is considered indefinite.

***Allowable Subject Matter***

8. Claims 1-62, 64-66, 70, 72-74, 76, and 77 are allowed. Claims 63, 67-69, 71, 75 and 78-108 contain allowable subject matter but are objected to for minor informalities as recited above. The prior art fails to teach or to render obvious a device with co-hosts and a dopant having the properties as required by claim 1.

***Response to Arguments***


9. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground of rejection.

*Conclusion*

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dawn Garrett whose telephone number is (571) 272-1523. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached at (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Dawn Garrett  
Primary Examiner  
Art Unit 1774

June 19, 2006